THE HONOURABLE SRI JUSTICE GODA RAGHURAM

WRIT PETITION No. 7969 of 2007

DATED: 23-04-2007

Between:

J.Vijay Kumar

…Petitioner

and

The Revenue Divisional Officer,
Ongole, Prakasam District and another

…Respondents

THE HONOURABLE SRI JUSTICE GODA RAGHURAM

W.P.No. 7969 of 2007

Oral order:

The grievance of the petitioner is that the respondents have failed to supply essential commodities despite his authorization as Fair Price Shop Dealer in respect of Shop No. 1, Madanur Village, Kothapatnam Mandal, Prakasam District, being current and operative.

By an order dated 16-2-2005 of the 1st respondent herein, the petitioner's authorization was cancelled on the basis of allegations levelled against his conduct as a Fair Price Shop Dealer. Aggrieved thereby the petitioner preferred an appeal to the Joint Collector, Ongole, Prakasam District. By the order dated
16-5-2005 the appeal was allowed. The Joint Collector found that the primary order of cancellation of authorization is laconic and does not record proper justification for imposing the severe penalty of cancellation of the uthorization. The Joint Collector remanded the matter to the Revenue Divisional Officer to conduct proper enquiry after giving sufficient opportunity to the petitioner. Thereafter the 1st respondent has failed to pass an order restoring the petitioner's authorization nor has the 1st respondent supplied the essential commodities. Aggrieved thereby, the petitioner has approached this court for appropriate relief.

On instructions, the learned Government Pleader for Civil Supplies states and has placed for the perusal of this court, the order dated 20-4-2007 passed by the 1st respondent restoring the

authorization of the petitioner as a Fair Price Shop Dealer of Madanur Village, while directing the Tahsildar, Kothapatnam to allot essential commodities to the petitioner from this month onwards.

It is seen that though the appellate authority, the Joint Collector by an order as early as on 16-5-2005 has declared the order of the 1st respondent herein dated 16-2-2005 to be illegal and unsustainable and remanded the matter to the 1st respondent herein for determination *de novo,* the respondents have failed to supply essential commodities to the petitioner and therefore disabled him from pursuing his lawful occupation, without any justification whatsoever. Nearly two years after the appellate order of the Joint Collector and only after the filing of this writ petition, the 1st respondent has woken up to his statutory responsibilities which he had abdicated for nearly 23 months. This grossly negligent conduct of the 1st respondent has occasioned avoidable loss to the petitioner, the trauma of litigation and an avoidable adjudicatory exercise from this court.

In the circumstances, while recording the submission on behalf of the respondents, by the learned Government Pleader for Civil Supplies and placing on record the proceedings/order of the 1st respondent dated 20-4-2007 restoring the authorization of the petitioner, the 1st respondent is directed to pay costs of Rs.5000/- (Rupees Five thousand) to the petitioner within three weeks from the date of receipt of a copy of this order. It is open to the State Government to initiate appropriate proceedings against the concerned officers holding the post of Revenue Divisional Officer at Ongole, Prakasam District who have by their negligent conduct and abdication of responsibility have occasioned loss to the petitioner a citizen and have also mulcted the State exchequer of these costs, of Rs.5000/-. The State Government shall be at liberty to initiate disciplinary proceedings for appropriate penalties as well as for recovery of the amount of loss caused to the State. A copy of this order shall be

communicated to the Principal Secretary, Revenue, Government of Andhra Pradesh, Hyderabad for information and appropriate administrative action.

The writ petition is accordingly allowed with costs.

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GODA RAGHURAM, J

23-04-2007

Note:

Issue copy as soon as possible.

/B.O/

GRR